



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,730	08/06/2003	Kirt Debique	221357	8859

22971 7590 03/28/2008
MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052-6399

EXAMINER

VERDI, KIMBLEANN C

ART UNIT	PAPER NUMBER
----------	--------------

2194

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

03/28/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

roks@microsoft.com
ntovar@microsoft.com
a-rydore@microsoft.com

Office Action Summary	Application No. 10/635,730	Applicant(s) DEBIQUE ET AL.	
	Examiner KimbleAnn Verdi	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>August 6, 2003, March 29, 2004</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

This office action is in response to the Application filed on August 6, 2003. Claims 1-21 are pending in the current application.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With respect to claim 1-21, the “computer readable medium,” in accordance with Applicant's specification, may be a modulated data signal such as a carrier wave (paragraph [0031]). This subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, machine, manufacture, or a composition of matter. Instead, it includes a form of energy. Energy does not fall within a statutory category since it is clearly not a series of steps or acts to constitute a process, not a mechanical device or combination of mechanical devices to constitute a machine, not a tangible physical article or object which is some form of matter to be a product and constitute a manufacture, and not a composition of two or more substances to constitute a composition of matter.

With respect to claims 1-15, a “computer-readable medium having computer-executable instructions” is being recited; however, it appears that a computer-readable medium having computer-executable instructions would reasonably be interpreted by one of ordinary skill in the art as software, per se. A computer-readable medium

Art Unit: 2194

having computer-executable instructions as claimed does not set forth a means to realize the software, per se such as being stored in a memory or computer storage media. As such, it is believed that a computer-readable medium having computer-executable instructions of claims 1-15 is reasonably interpreted as functional descriptive material, per se.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Line 2, the recitation of "is presented" contains implied language.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference sign "200", Figure 2, page 18 and reference sign "300", Figure 3, page 18. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent 6,172,988 B1 to Tiernan et al. (hereinafter Tiernan) in view of United States Patent Application Publication 2001/0009548 A1 to Morris.

6. As to claim 1, Tiernan teaches the invention substantially as claimed including a computer-readable medium having computer-executable instructions for performing the step of exposing an interface for providing communication with a demultiplexer object, the interface including:

an Initialize method to configure the demultiplexer object (col. 5, lines 58-66);

a SetPresentationDescriptor method to dynamically set an active presentation descriptor on the demultiplexer object (col. 5, lines 42-47);

a ProcessInput method to provide a new input muxed stream to the demultiplexer object (Output Stream 34, Fig. 1, col. 6, lines 3-4);

a ProcessOutput method to retrieve at least one elementary stream from an active presentation (ES 32, Fig. 1, col. 6, lines 5-9).

Tiernan does not explicitly disclose a Flush method to flush currently queued input and output samples.

However Morris teaches a Flush method to flush currently queued input and output samples (paragraph [0013]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the Decoder of Tiernan with the teachings of a TS DeMux from Morris because this feature would have provided converting a data stream received in a specified Transport Stream (TS) format into an output data stream in a specified Program Stream (PS) format (paragraph 0007] of Morris).

7. As to claim 2, Tiernan as modified teaches the computer-readable medium of claim 1 wherein the interface further comprises a GetPresentationDescriptor method to retrieve a clone of the currently active presentation descriptor on the demultiplexer object (col. 5, lines 48-55 of Tiernan)(paragraph [0010] of Morris).

8. As to claim 3, Tiernan as modified teaches the computer-readable medium of claim 2 wherein the GetPresentationDescriptor method includes a presentation descriptor (col. 5, lines 48-55 of Tiernan) (paragraph [0010] of Morris).

9. As to claim 4, Tiernan as modified teaches the computer-readable medium of claim 1 wherein the interface further comprises a GetPendingPresentationDescriptor

Art Unit: 2194

method to retrieve the next pending presentation (col. 5, lines 48-55 of Tiernan)(paragraph [0010] of Morris).

10. As to claim 5, Tiernan as modified teaches the computer-readable medium of claim 4 wherein the GetPendingPresentationDescriptor method includes a pending presentation descriptor (col. 5, lines 48-55 of Tiernan) (paragraph [0010] of Morris).

11. As to claim 6, Tiernan teaches the computer-readable medium of claim 1 wherein the Initialize method includes parameters, the parameters comprising:

- a muxed stream descriptor (col. 11, lines 25-27);
- a selected media type for the muxed stream descriptor (col. 11, lines 17-20);
- an array of major types of elementary streams (col. 13, lines 43-50); and
- a count of major types in the array of major types (col. 13, lines 26-38).

12. As to claim 7, Tiernan as modified teaches the computer-readable medium of claim 1 wherein the SetPresentationDescriptor method includes a pointer to a presentation descriptor object (paragraph [0117] of Morris).

13. As to claim 8, Tiernan as modified teaches the computer-readable medium of claim 1 wherein the ProcessInput method includes a pointer to a sample object (paragraph [0117] of Morris).

14. As to claim 9, Tiernan as modified teaches the computer-readable medium of claim 8 wherein the ProcessInput method further includes a return value having a new presentation flag (paragraph [0049] of Morris).

Art Unit: 2194

15. As to claim 10, Tiernan as modified teaches the computer-readable medium of claim 9 having further computer executable instructions for performing the steps comprising:

if the new presentation flag has a TRUE value (paragraph [0010] of Morris):

calling a GetPendingPresentationDescriptor method to retrieve the next pending presentation (col. 5, lines 48-55 of Tiernan);

selecting desired streams (col. 10, lines 22-24 of Tiernan); and

calling the SetPresentationDescriptor method to enable processing of samples from the demultiplexer's input queue (col. 10, lines 25-36 of Tiernan).

16. As to claim 11, Tiernan as modified teaches the computer-readable medium of claim 1 wherein the ProcessOutput method includes a stream identifier (col. 15, lines 30-33 of Tiernan) and a pointer to a pointer to a sample object (paragraph [0117] of Morris).

17. As to claim 12, Tiernan as modified teaches the computer-readable medium of claim 11 wherein the ProcessOutput method further includes an output return value (ES 32, Fig. 1, col. 6, lines 5-9 of Tiernan).

18. As to claim 13, Tiernan as modified teaches the computer-readable medium of claim 12 wherein the output return value includes one of an end of stream error code (col. 10, lines 13-21 of Tiernan) (paragraph [0047] of Morris) and a no more data error code (col. 10, lines 13-21 of Tiernan) (paragraph [0047] of Morris).

Art Unit: 2194

19. As to claim 14, Tiernan as modified teaches the computer-readable medium of claim 1 wherein the interface takes multiplexed data (col. 6, lines 1-7 of Tiernan) as an in-memory buffer of data (paragraph [0071] of Morris).

20. As to claim 15, Tiernan as modified teaches the computer-readable medium of claim 14 wherein the multiplexed data has a format comprising at least one of Digital Video, MPEG2, and ASF (col. 6, lines 9-11 of Tiernan).

21. As to claims 16-17, these claims are rejected for the same reasons as claims 6-7 respectively, since claims 16-17 recite the same or equivalent invention, see the rejections to claims 6-7 above.

22. As to claim 18, this claim is rejected for the same reasons as claim 3 since claim 18 recites the same or equivalent invention, see the rejection to claim 3 above.

23. As to claim 19, this claim is rejected for the same reasons as claim 5 since claim 19 recites the same or equivalent invention, see the rejection to claim 5 above.

24. As to claim 20, this claim is rejected for the same reasons as claim 8 since claim 20 recites the same or equivalent invention, see the rejection to claim 8 above.

25. As to claim 21, this claim is rejected for the same reasons as claim 11 since claim 21 recites the same or equivalent invention, see the rejection to claim 11 above.

Conclusion

26. The prior art made of record on the accompanying PTO-892 and not relied upon, is considered pertinent to applicant's disclosure.

Art Unit: 2194

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KimbleAnn Verdi whose telephone number is (571)270-1654. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

March 2, 2008

KV

/Thomson D. William/

Supervisory Patent Examiner, Art Unit 2194